

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings includes changes to Figures 1, 2, 10-13 and 15. These sheets replace the original sheets including Figures 1, 2, 10-13 and 15.

Each of the above figures adds text to the original drawing figures to identify the schematically illustrated elements. The text in question is taken directly from the narrative portion of the specification in which those elements identified by the reference numerals are identified.

The Official Action also notes that the characters appearing at the bottom of sheet 13 are faded. Accordingly, applicants also include herewith a substitute sheet which does nothing more than replace the faded characters with more clearly defined characters.

Attachment: 5 Replacement Sheets

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action objected to the drawings because Figures 1, 2, 10-12 and 15 require verbal labeling for the otherwise schematic elements. Applicants enclose substitutes for sheets 1, 2, 10-12, and 15. Each adds text to the original drawing figures to identify the schematically illustrated elements. The text in question is taken directly from the narrative portion of the specification in which those elements identified by the reference numerals are identified. Accordingly, the substitute sheets of drawings introduce no new matter to the application.

The Official Action also notes that the characters appearing at the bottom of sheet 13 are faded. Accordingly, applicants also include herewith a substitute sheet which does nothing more than replace the faded characters with more clearly defined characters. Accordingly, such replacement sheet also introduces no new matter to the application.

"PCT filed application entering national stage" has not been completed. While true, the declaration as filed nevertheless meets the requirements of U.S. patent practice.

Among other requirements, a U.S. declaration must specifically identify the application to which it refers. The form used as the basis for the declaration filed in the present application is designed to be used in a number of different scenarios. The present declaration was filed after the June 28, 2004 filing date of the application itself. Accordingly, at the time the declaration was filed, the application serial number was known. The declaration was completed to identify the application by a filing date and application serial number. The declaration therefore properly identifies the application to which it refers, and is entirely in compliance with U.S. practice.

If the present objection is maintained, applicants respectfully request that the Official Action making such objections specifically identify the section of the regulations considered to underlie such objection.

The Official Action objects to the specification for the inclusion of legal phraseology in various locations. In order to overcome this objection, applicants

include herewith a substitute specification. As required under current practice, such substitute specification is presented both in clean and marked forms. Through undersigned counsel, applicants affirmatively state that the substitute specification introduces no new matter to the application.

The Official Action identifies a number of objections to the claims. Please note that applicants have carefully reviewed the claims and have amended the same as necessary to eliminate bases for these objections. Reconsideration and withdrawal of such objections are therefore respectfully requested.

The Official Action rejects claims 6 and 18 under 35 USC §112, second paragraph, as being indefinite. Each of the claims in question identifies in the form of a Markush group a number of condition monitoring functions that may be performed based on measurements taken from a machine under analysis. The Official Action takes the position that the members of the group are not disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship.

Applicants note that the present specification as originally filed lists the members of the present group on pages 23 and 24. Moreover, this list is introduced as representing examples of machine condition monitoring functions. As is clear from at least the section of the specification, the common theme to the elements in the list is their utility as functions that are useful in determining the operating condition of a machine. For at least this reason, applicants respectfully suggest that the Markush group in the identified claims is valid, and reconsideration and withdrawal of the present rejection are therefore respectfully requested.

The Official Action provisionally rejects claim 13 on the ground of non-statutory obviousness-type double patenting as being unpatentable over the combination of claims 1 and 21 of copending application No. 10/893,292. In order to overcome this rejection, applicants have amended the claims of the cited 10/893,292 application, thereby eliminating the basis for the present rejection. Applicants enclose a copy of such amendment filed on even date herewith. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The Official Action rejects claims 1-4, 6, 11, and 12 under 35 USC §103 as being unpatentable over ARONSSON in view of YOSHIMURA. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons.

The Official Action identifies those features attributable to the ARONSSON prior art reference. The Official Action acknowledges that the primary ARONSSON reference does not clearly disclose two functions, with the use of such two different functions being accounted for at two different rates. It is this feature for which the secondary YOSHIMURA reference is offered.

In order to overcome this rejection, applicants have amended independent claim 1 to further recite that the apparatus is configured to disable use of a selected one of the first and second condition monitoring functions if the corresponding value indicative of the use of such condition monitoring function reaches a predetermined threshold value. This characteristic of the present invention is described at least in connection with the usage debiting/crediting procedure described in detail beginning on page 28 of the present application as originally filed.

Therein it is described that the logger operates to maintain data that is representative of use of the machine in association with pre-established limits. When the limit associated with a given condition monitoring value is reached, that monitoring function is disabled. The user, of course, may optionally re-enable the newly disabled function by any of the refresh mechanisms described throughout the present specification.

In sharp contrast, the YOSHIMURA device represents nothing more than a highly simplified counter. The reference teaches nothing more than a built-in measurement system to maintain a running record of use of the machine in question. The YOSHIMURA device offers nothing in terms of affecting operation of the machine, considering either the current stored value representing use, or the comparison of such current stored value in connection with a predetermined comparison value.

The present invention as now recited in independent claim 1 therefore recites an apparatus that allows an end user to purchase access to selected condition monitoring functions up to a limit established in advance. The device will then operate until such limit is reached,

at which point the condition monitoring function in question will be disabled.

As the combination of references necessarily fails to teach or suggest the full set of features now recited in independent claim 1, applicants respectfully suggest that the present rejection cannot be maintained, and reconsideration and withdrawal of such rejection are therefore respectfully requested.

The Official Action rejects the following claims under 35 USC §103 as being unpatentable over ARONSSON in view of YOSHIMURA, and further in view of the identified references: Claim 5 further in view of NGUYEN; claims 7 and 8 further in view of HOGEL; and claims 9 and 10 further in view of MALAK. The various further references are offered for various features recited in the rejected claims. However, irrespective of the ability of such further references to teach or suggest that for which they are offered, they nevertheless will fail to overcome the shortcomings inherent in the ARONSSON/YOSHIMURA combination discussed above in detail in connection with independent claim 1.

Applicants note that the only rejection against independent claim 13 is the double patenting rejection,



which should now be overcome by way of the amendment to the cited application as discussed above. Accordingly, independent claim 13 and all claims that depend therefrom are now believed to be in condition for allowance.

In addition to the amendments described above, applicants have added new claims 28-30. Of these, claim 28 is an independent claim directed to an apparatus for analyzing a condition of a machine, with the remaining new claims depending therefrom.

As recited in independent claim 28, the device in question includes the input, data processing means, and logger discussed in connection with the previously considered claims. The logger of the device of claim 28, however, maintains a value in a centralized account reflecting use of the various condition monitoring functions. In this way, instead of having a unique value for each condition monitoring function, there is instead a single centralized value which is adjusted upon use of any of a plurality of condition monitoring functions. At such time that the current value of the centralized account reaches a predetermined threshold value, all of the plural condition monitoring functions associated with that centralized account are disabled.

Additionally, claim 28 recites that use of the first condition monitoring function results in an adjustment to the value of the centralized account different from the adjustment resulting from use of the second function. In this way different functions may be assigned different costs.

Applicants believe that this set of features is neither disclosed, taught, nor suggested by any known prior art reference, considered either individually or in combination.

In light of the amendments offered above and the arguments offered in support thereof, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.


If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

Please charge the fee of \$150 for the three (3) extra claims of any type added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

  
Eric Jensen, Reg. No. 37,855  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

EJ/mjr

**APPENDIX:**

The Appendix includes the following item(s):

- Replacement Sheets for Figures 1, 2, 10-13 and 15 of the drawings
- a Substitute Specification and a marked-up copy of the originally-filed specification
- a copy of the amendment filed June 26, 2006 for U.S. Application 10/893,292